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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/751,885 | 12/29/2000 | Peter Rosler | 00-223 | 8374 |

7590

12/05/2001

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|-----------------------------------|------------------------------|--|
| Office Action Summary | Application No. 09/751,885 | Applicant(s) ROSLE, PETER | |
| | Examiner Alfred Joseph Wujciak | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for the serial number 09/751,885, Hanger for Plastic Bags and Pouches, filed on 12/29/00.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 20,019,536, filed on November 17, 2000.

Specification

The disclosure is objected to because of the following informalities: Page 1, line 20, "technical instruction of claim 1" is objected because it can not refer to a claim in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 11, recites the limitation "the bag." There is insufficient antecedent basis for this limitation in the claim.

Claims 8-10, line 1, "the latch means" should be changed to ---means for latching--- for clarification.

Claims 11-12, lines 1-2, "wherein the bag that is received (claim 12) maintained (claim 11) in the hanger includes a closure bead along the opening of the bag," cites a combination/subcombination problem. "Bag" is not being positively recited in the preamble of claim 1.

Claims 2-7 and 15-16 are rejected as depending on rejected claim 1. Claims 13-14 are rejected as depending on rejected claims 11-12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,707,271 to Sanchez et al. in view of US Patent # 5,713,467 to Kao.

Sanchez et al. teaches a hanger for a bag (figure 1) comprising a body (5), at least one holding strip (8), and at least one film hinge (1). One side of body having a fastening surface (17). The holding strip cooperates with the body to define a gap between the holding strip and the body (figure 2). Means for latching (19) the holding strip in a closed position adjacent to the side of body (figure 6). Means for latching the holding strip in a releasably and permanently latch (18) the holding strip to the fastening surface of the body. The holding strip is oriented substantially parallel to a major and minor edge of the body (figure 1). Means for latching extends through the bag that is maintained between the holding strip and the body (figure 1). The film hinge (1) is oriented in a substantially vertical position (figure 3).

Sanchez et al. teaches the body but fails to teach the body is designed in a card shape-like. Kao teaches a card body (10) to be hung on a display rack. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the card body to Sanchez et al. body as taught by Kao to provide a designer preference for supporting the bag on a display rack.

Claims 9-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al. in view of Kao and in further view of US Patent # 4,983,047 to Netto.

Sanchez et al. teaches means for latching but fails to teach means for latching comprising mandrels. Netto teaches means for latching comprising mandrels (9). It would have been obvious for one of ordinary skill in the art at the time the invention was

made to have constructed Sanchez et al. means for latching with mandrels as taught by Netto to provide an additional security for the bag to maintain in the body.

In regards to claim 16, Sanchez et al. teaches the film hinge but fails to teach the film hinge is oriented in a substantially horizontal position. Netto teaches a film hinge (4) that is in a substantially horizontal position. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Sanchez et al. film hinge from vertical position to horizontal position as taught by Netto to provide a designer preference for closing the holding strip in vertical direction.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al. in view of Kao and in further view of France Patent # 2,579,174 to Ausnit.

Sanchez et al. teaches the body and the holding strip define a transverse cavity (figure 5) that receives the bag but fails to teach the bag having a closure bead. Ausnit teaches the bag having a closure bead (38). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have constructed Sanchez et al. bag with a closure bead as taught by Ausnit to provide a security for an object to maintain in the bag.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 3,126,094 to Arnold et al.

US Patent # 5,088,667 to Olson

US Patent # 2,710,732 to Peters

US Patent # 285,908 to Ludington

US Patent # 5,524,762 to Shafran et al.

US Patent # 5,988,381 to Ling


US Patent # 3,285,407 to Abramson

US Patent # 4,634,005 to Kulzer et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (703) 306-5994. This examiner uses a Text-Telephone –Device for the Deaf (TDD). Please first dial the Federal Relay Service at 1-800-877-8339 and give the operator the examiner's telephone number. The examiner can be reached through e-mail, the address is Joey.Wujciak@uspto.gov. The fax machine telephone number for the Technology Center is (703) 308-3519 or (703) 308-3636.


Joey Wujciak

November 29, 2001


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER